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2	MARK L. KROTOSKI (CSBN 138549) Chief, Criminal Division
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6 7 8 9	450 Golden Gate Avenue, Box 36055 San Francisco, California 94102 Telephone: (415) 436-6774 Facsimile: (415) 436-7234 Attorneys for Plaintiff
10	UNITED STATES DISTRICT COURT
11	NORTHERN DISTRICT OF CALIFORNIA
12	SAN FRANCISCO DIVISION
13	
14	UNITED STATES OF AMERICA,) No. CR 05-00395 CRB
15	Plaintiff, REQUEST, STIPULATION AND ORDER
16	$\left\{ \begin{array}{c} v. \end{array} \right\}$
17	KEUN SUNG LEE,
18	Defendant.
19	This matter is currently on the Court's calendar for June 7, 2006. Through counsel,
20	defendant Keun Sung Lee and the United States ask the Court to (a) vacate the June 7, 2006 date
21	based on the defendant's anticipated plea agreement, (b) set a date of July 5, 2006 for change-of-
22	plea, and (c) exclude time under the Speedy Trial Act, 18 U.S.C. § 3161 from June 7, 2006, to
23	July 5, 2006.
24	1. The parties are currently working out the language of a plea agreement and request that the
25	Court set the matter for July 5, 2006, for change-of-plea.
2627	2. The parties agree that the time between June 7, 2006 and July 5, 2006 should be excluded
28	from the Speedy Trial clock. Previously, the Court has declared this case complex. <u>See</u> 18
	ORDER CR 05-00395 CRB

U.S.C. § 3161(h)(8)(B)(ii). Further, defense counsel will be out of the country and thus unavailable until June 16, 2006. Defense counsel is continuing to review discovery, including recently provided materials, and negotiate the plea language. These matters need a short amount of time to be resolved, and thus the parties agree that a continuance is necessary for the effective preparation of defense counsel, taking into account the exercise of due diligence, and based on continuity of counsel. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agree that the ends of justice served by excluding the period from June 7, 2006 to July 5, 2006 outweigh the interest of the public and the defendant in a Speedy Trial. See id. § 3161(h)(8)(A).

STIPULATED:

June 2, 2006

DATE

PETER B. AXELROD

PETER B. AXELROD

LAUREL BEELER

Assistant United States Attorneys

June 2, 2006 /S/ ALAN BAUM
DATE ALAN BAUM
Attorney for Keun Sung Lee

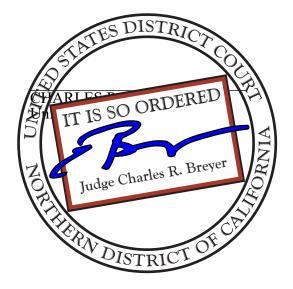
For good cause shown, and for the reasons stated above, the Court (a) vacates the June 7, 2006, hearing date for defendant Keun Sung Lee based on the anticipated plea agreement, (b) sets the matter for change-of-plea on June 28, 2006, at 2:15 p.m., and (c) excludes times under the Speedy Trial Act, 18 U.S.C. § 3161, from June 7, 2006, to July 5, 2006. The Court finds that the failure to grant the requested exclusion would deny defense counsel reasonable time necessary for effective preparation taking into account the exercise of due diligence and continuity of counsel. Further, the Court finds the exclusion warranted on complexity grounds, under 18 U.S.C. § 3161(h)(8)(B)(ii). Thus, the Court finds that the ends of justice served by granting the requested exclusion outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The Court therefore concludes that this

ORDER

ORDER CR 05-00395 CRB exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A), (h)(8)(B)(ii) and (h)(8)(B)(iv).

IT IS SO ORDERED.

DATED:_June 5, 2006



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